

SAO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

Robert Smith, by his M/N/G Denise Smith, and  
Denise Smith, individually

## SUMMONS IN A CIVIL ACTION

V.

City of New York, James Chiariello (Shield No.  
30462), "JOHN" Alesi, et al.

CASE NUMBER:

08 CV 00596

TO: (Name and address of Defendant)

SCOTT ALESSI  
"JOHN" Alesi  
c/o NYPD 45 Precinct  
2877 BARKLEY BLVD  
BRONX, NEW YORK

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Leventhal & Klein, LLP  
45 Main Street, Suite 230  
Brooklyn, NY 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

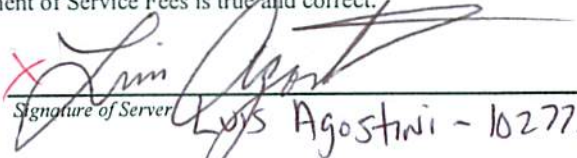
JAN 23 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	May 6, 2008 At 11:59 AM
NAME OF SERVER (PRINT) Luis Agostini	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): Served upon S.T.A. Mundy, co-worker of the defendant. f, w, Red, 57, 5'6, 120		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>May 8, 2008</u> <div style="text-align: center; font-size: small;">Date</div>	<div style="text-align: center;">             Signature of Server </div> <div style="text-align: center;"> <u>Luis Agostini - 1027732</u>            Address of Server </div>	
<u>365 Ford Street Bronx NY 10457</u> Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.